

¹ Rule 25(d) of the Federal Rules of Civil Procedure allows for the automatic substitution of an official's successor for an official sued in his official capacity. FED. R. CIV. P. 25(d). Since the filing of the Amended Petition: (1) Monty Wilkinson has replaced Jeffrey A. Rosen as the Acting United States Attorney General; and (2) Federal Emergency Management Agency Administrator Pete Gaynor began serving as Interim Head of DHS, replacing Acting Secretary Chad Wolf. Accordingly, the Clerk of Court is directed to change the style of the case to reflect these change as set out in the style of this Order.

Immigration and Customs Enforcement (“ICE”) since that time. (ECF No. 1). Respondents have now advised the Court that Rodriguez was removed to Cuba on December 29, 2020. (ECF No. 13).

ANALYSIS

Prior to his removal, Rodriguez filed this section 2241 Amended Petition challenging his continued detention as violating the Constitution and federal statutory law. (ECF No. 11). Because Rodriguez has been removed, the Court finds his Amended Petition and Respondents’ Motion for Summary Judgment are moot. (ECF Nos. 11, 12).

Applicable Law

“Article III of the Constitution limits federal ‘Judicial Power,’ to ‘Cases’ and ‘Controversies.’” *United States Parole Comm’n v. Geraghty*, 445 U.S. 388, 395 (1980). A case becomes moot, depriving the Court of power, “when the issues presented are no longer ‘live’ or the parties lack a legally cognizable interest in the outcome.” *Id.* at 396 (quoting *Powell v. McCormack*, 395 U.S. 486, 496 (1969)). A party must continue to have a personal stake in the outcome of the lawsuit. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). In other words, a party seeking relief must have suffered, or be threatened with, an actual injury that is likely to be redressed by a favorable judicial decision. *Id.* In the absence of an actual injury that is likely to be redressed by a favorable judicial decision, the matter becomes moot and subject to dismissal. *See Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990).

Application


In his Amended Petition, Rodriguez requested that he be released on his own recognizance, under parole, under “low bond,” or reasonable conditions of supervision. (ECF No. 11). As set out above, Respondents have filed an advisory stating Rodriguez is no longer detained by ICE and has

been removed to his home country. (ECF No. 13, Exh. A). A search of the ICE online locator system confirms that Rodriguez is no longer in the custody of ICE. *See* <https://locator.ice.gov/odls/#/results> (last visited Jan. 25, 2021). The locator system returned “zero (0) matching records” in response to a search using both Rodriguez’s “A–Number” and country of origin and his name and country of origin. *Id.* Because he is no longer detained, the relief he seeks is no longer available. In other words, the Court can no longer redress his alleged injury with a favorable judicial decision. *See Spencer*, 523 U.S. at 7. Accordingly, Rodriguez’s claim for relief is moot and his Amended Petition is subject to dismissal, as is Respondents’ Response and Motion for Summary Judgment. *See id.*

IT IS THEREFORE ORDERED that Petitioner Noel Tejido Rodriguez’s 28 U.S.C. § 2241 Amended Petition for Writ of Habeas Corpus (ECF No. 11) and Respondents’ Response and Motion for Summary Judgment (ECF No. 12) are **DISMISSED WITHOUT PREJUDICE AS MOOT**.

It is so **ORDERED**.

SIGNED this 25th day of January, 2021.



Xavier Rodriguez
United States District Judge